

SEP 3 1967

Senator Ervin And The CIA

✓ North Carolina's Sen. Sam J. Ervin Jr. deserves the support of every American who still places personal privacy above the whims and curiosity of some bureaucrats who have a lot to do with running Washington, and, unfortunately, the United States.

The North Carolina solon last week eloquently denounced the efforts of the Central Intelligence Agency to "stand above the law" in seeking special privileges under Ervin's bill prohibiting government agencies from asking employees or job applicants about their sex habits, family relations or religious beliefs as parts of lie detector or psychiatric tests.

In a few words, the CIA was given two invitations to appear at public hearings on the bill while it was being studied by the Senate Judiciary Committee. Both requests were ignored, even though the measure was amended to permit exemptions for the CIA and the National Security Agency when the director of either agency felt national security was involved.

That's the way the bill was reported to the Senate floor, and supposedly was in order for debate Tuesday. But, working behind the scenes, the CIA managed to secure a postponement supposedly to permit the agency to present Judiciary Committee members its objections to the bill in a secret hearing.

"They (the CIA) want the unmitigated right to kick federal employees around (and) deny them . . . the basic rights which belong to every American," Senator Ervin fumed.

In view of the fact that the CIA had elected to push aside established rules of procedure — presenting their objections while the bill still was in committee—simply because it could not secure the secrecy that it thought it was entitled to over and above all other government agencies, we feel Senator Ervin is justified in his attack on the supersecret intelligence agency.

Certainly the CIA representatives could have appeared at the outset in public session, like those of other agencies, and presented the bulk of their case against application of the bill in their particular operations. If some few matters deserved privacy, the CIA then could have asked for an executive ses-

sion to discuss those particular points. In such an atmosphere of attempted cooperation the closed-door conferences would have been granted without objections.

The truth is the Central Intelligence Agency is not above the Senate and House of Representatives which created it, and just as quickly can knock it down. The CIA isn't above mistakes (Bay of Pigs, 1961) nor is it so supersecret. The Cubans, Russians and Red Chinese probably know much more about the CIA than the average American, and probably more than some members of the Senate itself.

Furthermore, it is doubtful whether so much supersecrecy is necessary in much of the CIA's operations. After all Navy and Army intelligence agencies, operating with the full knowledge of their work open to their chieftains and a select list of about a dozen or more civilian leaders in our government, managed to keep secret for nearly two decades the fact that they'd cracked various Japanese codes without all the hush-hush fanfare with which the CIA likes to surround itself.

The removal of the Ervin bill from the Senate docket was due to a considerable amount of known lobbying on the part of the CIA among Senate leaders. And Senator Ervin, well versed in the law, read a federal statute forbidding agencies of the executive branch to attempt to influence the passage of or defeat of legislation before the Congress.

"I suggest that the CIA could leave its polygraph (lie detector) machines long enough to conduct an investigation to determine whether this statute has been violated," Senator Ervin said.

The Tar Heel solon drew support from one Republican member of the Judiciary Committee who said if the CIA continues to seek an across-the-board exemption from the Ervin bill he'd fight to remove the limited exemption already granted it and NSA.

The CIA should in this instance forsake its "cloak and dagger" attitude and state its objections in public, as Senator Ervin originally demanded, or at least settle for the exemption it already has in the bill, which seems most sufficient.

CPYRGHT